

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NINTENDO OF AMERICA INC.,

Plaintiff,

v.

DOES 1-20, d/b/a, ANXCHIP.COM,
AXIOGAME.COM, FLASHCARDA.COM,
MOD3DSCARDS.COM, NX-CARD.COM,
SXFLASHCARD.COM, TXSWITCH.COM,
and USACHIPSS.COM,

Defendants.

NO. 2:20-cv-00738-TSZ

PLAINTIFF'S MOTION FOR LEAVE
TO FILE OVERSIZED BRIEF

NOTED: June 4, 2020

Plaintiff Nintendo of America Inc. respectfully requests leave to file a 16-page brief in support of its Motion for Leave to Serve Process by Alternative Means ("Alternative Service Motion"). Good cause exists to allow the oversize filing.

The Alternative Service Motion seeks leave to serve a number of foreign Doe Defendants—collectively operating eight separate websites—by email, as none of the Defendants has revealed their identities nor have they maintained a physical presence where personal service can be made. To justify the relief sought, Plaintiff has established a factual and legal basis for alternative service as to the Defendants operating each of the eight Websites.

1 Further, to establish these factual predicates, Plaintiff has described in detail the efforts it has
2 expended in an attempt to determine the identities and locations of Defendants. Plaintiff also
3 sets forth the specific efforts that Defendants have made to maintain anonymous presences
4 strictly online (rather than physical presences) and to evade detection and enforcement—
5 including after the filing of this Complaint—thus making it impossible to perfect service other
6 than by electronic means. Finally, Plaintiff has set forth in detail the various ways that certain
7 Defendants have already taken actions after the filing of this lawsuit demonstrating their
8 awareness of the lawsuit. For these reasons, Plaintiff respectfully requests leave to file an
9 oversized brief.
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Respectfully submitted:

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**Admitted only in Massachusetts, not admitted in
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